

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THERESA SALAZAR,)
)
Plaintiff,) No. 07 CV 6637
) Judge Pallmeyer
v.) Magistrate Judge Ashman
)
LIFE INSURANCE COMPANY)
OF NORTH AMERICA)
)
Defendant.)

INITIAL JOINT STATUS REPORT

Plaintiff, THERESA SALAZAR, and Defendant, LIFE INSURANCE COMPANY OF NORTH AMERICA, by and through their respective attorneys, hereby submit this Joint Status Report to the Court and state as follows:

1. Summary of the Claim. This is an action seeking recovery of long-term disability (“LTD”) benefits pursuant to an ERISA-regulated employee welfare benefit plan entitled “BP Welfare Plan Trust-III” (“Plan”). LTD benefits payable under the Plan are insured under a group insurance policy (Policy No. LK-030287) issued by LINA to the Plan. As a benefit of her employment with BP Corporation North America, Inc., plaintiff was a participant in the Plan. Plaintiff contends that she received short-term disability (“STD”) benefits under the Plan for six months. LINA states that it did not insure or administer STD benefits under the Plan. Plaintiff then applied for LTD benefits, which, following an investigation, LINA denied on behalf of the Plan. Following exhaustion of pre-suit appeals, Plaintiff brought this action pursuant to §502(a)(1)(B) of ERISA (29 U.S.C. §1132(a)(1)(B)). A courtesy copy of Plaintiff’s

Complaint and Defendant's Answer and Affirmative Defenses to Complaint are attached hereto.

2. Relief Sought. Plaintiff seeks judgment in her favor and against Defendant, that the Court order Defendant to pay all benefits due since February 16, 2006, plus interest payable thereon at a rate of 9% pursuant to 215 Ill. Comp. Stat. 5/357.9 or 357.9a, an award of any and all relief to which Plaintiff is entitled, including her costs of suit, and attorneys' fees pursuant to 29 U.S.C. § 1132(g).

Plaintiff contends she is entitled to LTD benefits in the amount of \$4665.00 per month since February 16, 2006, minus the offset of Social Security disability benefits she was awarded in the amount of \$1608.00 per month. Thus, as of February 16, 2008, Plaintiff contends she is entitled to \$73,368 (\$3057.00 per month) from Defendant, as well as interest and any other relief the court deems appropriate.

Defendant denies that plaintiff qualifies for LTD benefits under the Plan and that she is entitled to relief. Defendant denies that plaintiff has accurately calculated the amount of the monthly benefit to which she would be entitled if she qualified for benefits or the amount of the allegedly past due benefits.

3. Status of Pending Motions. No Motions are currently pending before the Court; however, the parties anticipate that dispositive motions will be filed.

4. Proposed Discovery Cut-Off. Other than production of the insurer's claim file, plaintiff does not anticipate that further discovery will be undertaken.

5. Completed Discovery. None; plaintiff awaits production of the claim file.

6. Jury Demand. No jury has been demanded.

7. Settlement Discussions. None at this time.

Respectfully Submitted,
/s/ Mark D. DeBofsky
Attorney for Plaintiff

Mark D. DeBofsky
Daley, DeBofsky & Bryant
55 W Monroe St
Suite 2440
Chicago, IL 60603
(312) 372-5200
FAX (312) 372-2778

Respectfully submitted:
/s/ Peter E. Pederson
Attorney for Defendant

Daniel K. Ryan
Peter E. Pederson
Hinshaw & Culbertson LLP
222 N LaSalle St, Suite 3000
Chicago, IL 60601
(312) 704-3000
FAX (312) 704-3001

CERTIFICATE OF SERVICE

I, the undersigned attorney, certified that on January 31, 2008 I e-filed this **INITIAL JOINT STATUS REPORT** with the Court's ECF/CM system, which will make a copy available to all counsel of record shown above.

/s/ Peter E. Pederson